THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3444





2019 MAR 20 AM 9: 26

# SENSITIVE

March 20, 2019

## **MEMORANDUM**

TO:

The Commission

THROUGH:

Alec Palmer

Staff Director /

FROM:

Patricia C. Orrock PCO

**Chief Compliance Officer** 

Debbie Chacona DC Assistant Staff Director Reports Analysis Division

BY:

Kristin D. Roser/Ben Holly BH

Reports Analysis Division Compliance Branch

SUBJECT:

Reason To Believe Recommendation - 2018 30 Day Post-General Report

(Unauthorized Filers) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2018 30 Day Post-General Report in accordance with 52 U.S.C. § 30104(a). The list is comprised of unauthorized committees that failed to file or timely file the 2018 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through November 26, 2018 (57 days), was reviewed for activity which would have required the filing of a 12 Day Pre-General Report (12 Day Report). If our research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 29.82% (17 days (12G Filing Period))57 days (30G Filing Period)).
- The committees identified through this process as failing to file or failing to timely file the 12 Day Report were included in the Reason to Believe Recommendation circulated to the Commission on March 13, 2019. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Report based on the estimated levels of activity described above and are included on the attached list.
- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through December 31, 2018 (92 days) was reviewed for activity which would have required the filing of a 30G. If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the 30G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 30G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of uniternized activity on the report by 61.96% (57 days (30G Filing Period)/92 days (YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30G. If the same committee was required to file the 12 Day Report, but failed to file this report, we utilized a three-step method to arrive at the activity on which to base the 30G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 30G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 43.48% (40 days (30G Filing Period)/92 days (YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30G.

## Recommendation

- 1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- 2. Send the appropriate letters.

# Federal Election Commission Reason to Believe Circulation Report 2018 POST-GENERAL Not Election Sensitive 12/06/2018 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3622	C00492579	AMERICAN PRINCIPLES	EYTAN LAOR	\$313,566	_1_	1/23/2019	48 (Not Filed*)	\$52,662	\$4,906
3624	C00658757	AMERICANS SUPPORTING VETERANS PAC	MARK SLY	\$576,156	0	12/23/2018	17	\$78,172	\$3,063

3/19/2019 3:02 PM

F	AF#	Committee	Committee Name	Treasurer ,	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
							-			•
_			PEACE ACTION PAC/ FKA	• • •	ı .	I				1
٤	3644	C00157941	SANE/FREEZE PAC	ROSALIE GREENE	\$167,510	0	12/26/2018	20	\$76,996	\$3,501
:	3645	C00131706	PIPEFITTERS LOCAL UNION #524	PATRICK DOLAN	\$194,859	0		Not Filed	\$32,477 (est)	\$1,230

				_	•			
3665 C00522458	TOGETHER WE THRIVE	CHRISTOPHER ZULLO	\$133,515	0		Not Filed	\$19,074 (est)	\$684

<sup>\*</sup> The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

# BEFORE THE FEDERAL ELECTION COMMISSION

in the Matter of	)	
Reason To Believe Recommendation - 2018 30 Day Post-General Report (Unauthorized Filers) for the Administrative Fine Program:	)	
AMERICAN PRINCIPLES, and LAOR, EYTAN as treasurer;	)	AF# 3622
AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK as treasurer;	; }	AF# 3624

PEACE ACTION PAC/ FKA

SANE/FREEZE PAC, and ROSALIE

GREENE as treasurer;

PIPEFITTERS LOCAL UNION #524, and

DOLAN, PATRICK as treasurer;

)

AF# 3644

TOGETHER WE THRIVE, and ) AF# 3655 CHRISTOPHER ZULLO as treasurer; )

# **CERTIFICATION**

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 21, 2019 the Commission took the following actions on the Reason To Believe Recommendation - 2018 30 Day Post-General Report (Unauthorized Filers) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 20, 2019, on the following committees:

AF#3622 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN PRINCIPLES, and LAOR, EYTAN in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3624 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3644 Decided by a vote of 4-0 to: (1) find reason to believe that PEACE ACTION PAC/ FKA SANE/FREEZE PAC, and ROSALIE GREENE in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3645 Decided by a vote of 4-0 to: (1) find reason to believe that PIPEFITTERS LOCAL UNION #524, and DOLAN, PATRICK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3655 Decided by a vote of 4-0 to: (1) find reason to believe that TOGETHER WE THRIVE, and CHRISTOPHER ZULLO in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Merch 21,2019

Date

19092724166

Dayna C. Brown

Secretary and Clerk of the Commission



March 21, 2019

Rosalie Greene, in official capacity as Treasurer Peace Action PAC/ FKA Sane/Freeze PAC 8630 Fenton Street, Suite 524 Silver Spring, MD 20910

C00157941 AF#: 3644

Dear Ms. Greene:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period October 18, 2018 through November 26, 2018 shall be filed no later than December 6, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on December 26, 2018, 20 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On March 21, 2019, the FEC found that there is reason to believe ("RTB") that Peace Action PAC/FKA Sane/Freeze PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before December 6, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,501. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See https://www.fec.gov/af/pay.shtml 11 CFR § 111.34. Your payment of \$3,501 is due within forty (40) days of the finding, or by April 30, 2019, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$76,996 Number of Days Late: 20

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

# 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First

Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or April 30, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

# 2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Peace Action PAC/ FKA Sane/Freeze PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

# 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

# NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

# 4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

#### 5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at https://www.fec.gov/af/pay.shtml If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

Ellen L. Weintrand

Ellen L. Weintraub

Chair

# **ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,501 for the 2018 Post-General Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

## PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

# PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Peace Action PAC/ FKA Sane/Freeze PAC

FEC ID#: C00157941

AF#: 3644

PAYMENT DUE DATE: April 30, 2019

PAYMENT AMOUNT DUE: \$3,501



8630 Fenton Street, Suite 934 Silver Spring MD 20910 PH 301.565.4050, Fax 301.562.7305 www.peace-action.org

April 25, 2019

Ms. Ellen L. Weintraub, Chair FEC Office of Administrative Review 1050 First Street, NE Washington, DC 20002

# AF#: 3644 Identification Number: C00157941

I am in receipt of your letter today dated March 21, 2019, provided through email by, Mr. Ben Holly. Our office moved to a new suite in the same building and the original letter was returned. Mr. Holly contacted me about the return letter.

This is to request to have the fine waived. In response to your letter regarding the late filings for the Peace Action PAC I submit an explanation.

I have been overwhelmed with work along with dealing with personal matters

Upon trying to get a handle on

all aspects of my work, the office moved. Needless to say, my work level did not decrease and I still do not have a staff member to assist me. Peace Action PAC filings have largely been on time in the past. This year I was simply overwhelmed.

I appreciate any consideration the FEC would afford Peace Action PAC in this matter. Please feel free to contact me should you like to discuss this matter. I can be reached on (301) 565-4050 ext. 328.

Sincerely,

Rosalie Greene Director of Finance



June 12, 2019

# REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 3644 - Peace Action PAC / FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer (C00157941)

# **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,501 civil money penalty.

# Reason-to-Believe Background

The 2018 Post-General Report was due on December 6, 2018. The respondents filed the report on December 26, 2018, 20 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On March 21, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report and made a preliminary determination that the civil money penalty was \$3,501 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on March 21, 2019 to notify them of the Commission's RTB finding and civil money penalty.

# Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file a post-general report covering through the 20<sup>th</sup> day after the election no later than 30 days after the election. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(1)(iii). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

# Summary of Respondents' Challenge

On April 30, 2019, the Commission received the written response ("challenge") from the Treasurer. The Treasurer requests that the Commission waive the penalty and explains:

I have been overwhelmed with work along with dealing with personal matters

trying to get a handle on all aspects of my work, the office moved. Needless to say, my work level did not decrease and I still do not have a staff member to assist me. Peace Action PAC filings have largely been on time in the past. This year I was simply overwhelmed.

# **Analysis**

Commission records indicate the Committee was notified of their 2018 Post-General reporting requirement on multiple occasions prior to the filing deadline. On November 8, 2018, the Commission's Information Division sent the 2018 General Election Prior Notice to rbrooks@peace-action.org, the email address listed on the Committee's Statement of Organization. The notice included information regarding the requirement to file the 2018 Post-General Report. On December 3, 2018, the Commission's Electronic Filing Office ("EFO") sent a reminder email regarding the 2018 Post-General Report to the same email address. On December 7, 2018, the day following the filing deadline, EFO sent a late notification email to the same email address because the report had not yet been filed. On December 20, 2018, RAD sent the non-filer notification via email to the same email address.

The Reviewing Officer is sympathetic to the Treasurer's personal and professional circumstances that may have impacted her ability to timely file the report. However, their challenge fails to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 104.14(d). Unavailability of the Treasurer is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. A committee's compliance with other filing deadlines is also not considered. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,501 civil money penalty.

# **OAR Recommendations**

- 1. Adopt the Reviewing Officer recommendation for AF# 3644 involving Peace Action PAC / FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer, in making the final determination;
- 2. Make a final determination in AF# 3644 that Peace Action PAC / FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,501 civil money penalty; and
- 3. Send the appropriate letter.

# **Attachments**

- Attachment 1 -
- Attachment 2 -
- Attachment 3 -
- Attachment 4 Declaration from RAD
- Attachment 5 Declaration from OAR

# **DECLARATION OF KRISTIN D. ROSER**

- 1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
- It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
- I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Peace Action PAC / FKA SANE / FREEZE PAC:
  - A) Non-Filer Letter, dated December 20, 2018, referencing the 2018 30 Day Post-General Report (sent via electronic mail to: rbrooks@peace-action.org);
  - B) Reason-to-Believe Letter, dated March 21, 2019, referencing the 2018 30 Day Post-General Report (sent via electronic mail to: rbrooks@peace-action.org).
- 4. I hereby certify that I have searched the Commission's public records and find that Peace Action PAC / FKA SANE / FREEZE PAC filed the 2018 30 Day Post-General Report with the Commission on December 26, 2018.
- Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 6th day of June, 2019.

Ben Holl, for KDR Kristin D. Roser

Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



RQ-7

December 20, 2018

ROSALIE GREENE, TREASURER PEACE ACTION PAC/ FKA SANE/FREEZE PAC 8630 FENTON STREET SUITE 524 SILVER SPRING, MD 20910

**IDENTIFICATION NUMBER: C00157941** 

REFERENCE: POST-GENERAL REPORT (10/18/2018 - 11/26/2018)

#### Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that <u>electronic filers must submit their reports electronically</u>, as per 11 CFR §104.18. A copy of the report or relevant portions must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

# PEACE ACTION PAC/ FKA SANE/FREEZE PAC

Page 2 of 2

Sincerely,

Oebbie Chacona

Deborah Chacona Assistant Staff Director Reports Analysis Division

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## **DECLARATION OF RHIANNON MAGRUDER**

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by a candidate shall file a post-general report covering through the 20<sup>th</sup> day after the election no later than 30 days after the election.. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on December 6, 2018 for the 2018 Post-General Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover, Summary, and Detailed Summary Pages of the 2018 Post-General Report filed by Peace Action PAC / FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer. The report includes the coverage period of October 18, 2018 through November 26, 2018 and was electronically filed on December 26, 2019.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 12<sup>th</sup> day of June, 2019.

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

Office

Use

Only

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**FEC FORM 3X** 

Rev. 05/2016

FEC FORM 3X

# REPORT OF RECEIPTS AND DISBURSEMENTS

FORM 3X For Other Than An Authorized Committee Office Use Only TYPE OR PRINT ▼ NAME OF Example: If typing, type 12FE4M5 COMMITTEE (in full) over the lines. PEACE ACTION PAC/ FKA SANE/FREEZE PAC 8630 FENTON STREET ADDRESS (number and street) **SUITE 524** Check if different than previously SILVER SPRING MD 20910 reported. (ACC) STATE A ZIP CODE 2. FEC IDENTIFICATION NUMBER ▼ CITY A 3. IS THIS **NEW AMENDED** C00157941 × OR REPORT (N) (A) 4. TYPE OF REPORT Nov 20 (M11) (Non-Election Year Only) Monthly Feb 20 (M2) May 20 (M5) Aug 20 (M8) Report (Choose One) Due On: Dec 20 (M12) Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) (Non-Election Year Only) (a) Quarterly Reports: Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE) April 15 Quarterly Report (Q1) 12-Day Primary (12P) General (12G) Runoff (12R) July 15 PRE-Election Quarterly Report (Q2) Report for the: Convention (12C) Special (12S) October 15 Quarterly Report (Q3) A.D. S.A.D. in the January 31 Election on State of Year-End Report (YE) July 31 Mid-Year 30-Day Report (Non-election × **POST-Election** General (30G) Runoff (30R) Special (30S) Year Only) (MY) Report for the: Termination Report 10 0 in the (TER) 11 06 2018 MD Election on State of Covering Period 10 18 through 26 2018 I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete. Greene, Rosalie, , , Type or Print Name of Treasurer Greene, Rosalie, . , [Electronically Filed] 26 Signature of Treasurer Date 2018 NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

# SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 05/2016)	OF RECEIPTS AND DISBURSEMENTS	Page 2
Write or Type Committee Name		
PEACE ACTION PAC/ FKA SANE	E/FREEZE PAC	
ii ii	10 18 2018 T	o: 11 28 2018
	COLUMN A This Period	. COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand  January 1,  2018		general grand g 22232.20
(b) Cash on Hand at Beginning of Reporting Period	65298.05	
(c) Total Receipts (from Line 19)	32947.39	86887.08
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	ราวาย เก็บ เกราะ เลือง เก็บ เก็บ เก็บ เก็บ เก็บ เก็บ เก็บ เก็บ	109119.26
7. Total Disbursements (from Line 31)	44049.29	54923.11
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	gavernigen och finn en en som generaller am i grande grande generaller generaller grande generaller grande gen 54198.15	granges against against granges of the second secon
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	governos productivos para en se	
Debts and Obligations Owed BY     the Committee (Itemize all on     Schedule C and/or Schedule D)	รูสาของรูเลสาขาวการทำ คุณ เพาะสูการเคารูก เพาะสูงการ เพาะสุด เพาะสุด เพาะสุด เพาะสุด เพาะสุด เพาะสุด เพาะสุด เ 0.00 ใ	
This committee has qualified as a multid	candidate committee. (see FEC FORM 1M)	. •
·	For further information contact:	
	Federal Election Commission 999 E Street, NW Washington, DC 20463	

Toll Free 800-424-9530 Local 202-694-1100

# **DETAILED SUMMARY PAGE** of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name PEACE ACTION PAC/ FKA SAN	NE/FREEZE PAC	
Report Covering the Period: From:	10 18 2018 To	o: 11 26 2018
I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other		
Than Political Committees	17285.00	50204.93
(i) Itemized (use Schedule A)	The state of the s	รายเกมรับเลยเลาที่ เพลาะที่ การเกมรับเลยเลที่แกก ครามการกับ และกับเลยเล็ก การกับเลยเลก (การกับเลยเลย เลยเลยเลยเลี้ยงเลยเลี้ยงเลยเลี้ยงเลยเลี้ยงเลยเลี้ยงการกระบานการกระบานการกระบานการกระบานการกระบานการกระบานการกร
(ii) Unitemized	15682.39	36682.13
(ii) Unitemized(iii) TOTAL (add	"" " และเปลี่ยน และเปลี่ยน และได้และ เปลี่ยน และได้และ เปลี่ยน และได้และ เปลี่ยน และได้และ เปลี่ยน และได้และ เ ผูน และ เปลี่ยน และ เปลี่ยน และ เปลี่ยน และ เปลี่ยน และ เปลี่ยน และได้และ เปลี่ยน และได้และ เปลี่ยน และได้และ เ	Transitioners to resident and transitioners to the second second transition of the second second second second
Lines 11(a)(i) and (ii)	32947.39	86887.06
בווסס דונמאנין שוש נווין	de man alle en en de man ag en meng processig en sen france i som alle en en de la mental de mende en mende e General en en en grand general france en en grand en sen france en grand en de france en france en france en m	kannakan ingan generalam paman paman generalam kan disam paman kan salam sa taman. Paman paman generalam paman paman generalam disam disam paman kan salam sa taman sa taman sa taman sa taman sa
(b) Political Party Committees		0.00
(c) Other Political Committees	A contraction of the second second Second second	And the state of t
(such as PACs)	0.00	0.00 Termologian is the antique and antistic of termology antistic of termology
(d) Total Contributions (add Lines	Satural communication of a sixty communication and a sixty communication of the sixty of the six	
11(a)(iii), (b), and (c)) (Carry	g sattan gantang pananganana ganaratigat nagistra nagistra in gantanggatan gantang gantan ga panang	grandgantergen eigenergentergen eigen eigen eigen eigen eigen eigen eine genergen eine genergen eine genergen e
Totals to Line 33, page 5)	32947.39	86887.06
12. Transfers From Affiliated/Other	anne den er de in er eften er de en er den er den er eften er den er eften er de er er de	And the state of t
Party Committees	Barran	0.00 hassallaran hasallara dinamikan dikina dinamika in hasallaran dina dikina dinamika ya wayon wayon wayon ya wayon ngana ng
	0.00	8 0.00 En rechairent translation de la constant de
13. All Loans Received		g kanadangahandhirandhanakansikhanghangakanakansikansikansi
	To the little product or with a statistic or who intelligent the section of the section of the section of	den seleganis de la company
14. Loan Repayments Received	0.00 I	0.00
15. Offsets To Operating Expenditures		
(Refunds, Rebates, etc.)	0.00 for the second sec	6.00
(Carry Totals to Line 37, page 5)	In such the control of the contr	0.00 To complete and the control of
16. Refunds of Contributions Made to Federal Candidates and Other	·	
Political Committees	0.00 franchesen franches er fine of the order or the senders of the order of the or	0.00
17. Other Federal Receipts	have rather as all more flavoured recording and the anti-according of the same	In make mental and the make who call the make make might be a factor of the call the state of the call
(Dividends, Interest, etc.)	COO 4	0.00
18. Transfers from Non-Federal and Levin Fu	0 × 5	In grandles and have all through a security of Live in Leave I are within a military of
(a) Non-Federal Account	hamester and the contraction of	Anne pala mandre de mandre de la completa del la completa de la completa del la completa de la completa del la completa de la completa de la completa del l
(from Schedule H3)	0.00	0.00
·	li man di amadi a sali binanda a sali binandi li madi mandi mandi madilika militarandi. gaza ngananggananggana nganang manggan ngan-ng manggan nagan nagan nagan nagan nagan nagan nagan nagan nagan n	Transmitter werden werd Herre allement Bereit Miller allement Herre allement der son generationer werden werden werd in a representation of great and great and great and great and great and great
(b) Levin Funds (from Schedule H5)	0.00	0.00
12, -27 - Caree from Concesso 1 10/111111	The state of the s	de comentario de la companya del la companya de la companya del la companya de la
(c) Total Transfers (add 18(a) and 18(b))	0.00	0.00
	Turqueste anne karrak leterante neinterna til anskrynnet av tilltannet engel	Francisco la consection de substituent de promissión a confedence and substituent de la consection de substituent de la confedence de la consection de la conse
19. Total Receipts (add Lines 11(d),	i kataran di kataran karan di kataran di kata	galannakkin kandana dakan kendan milian makhan
12, 13, 14, 15, 16, 17, and 18(c))		86887.06
20. Total Federal Receipts	$\frac{1}{2} (a_1 a_2 a_3 a_4 a_5 a_5 a_5 a_5 a_5 a_5 a_5 a_5 a_5 a_5$	g til steger at gjeneste gjeneste gjeneste gjeneste blegte tre til gjeneste gjenest gjeneste at gjeneste en ge
(subtract Line 18(c) from Line 19)	32947.39	86887.06
	E. Braha Strategica W. R. Karling Barrie	Annual Control of the

# **DETAILED SUMMARY PAGE**

of Disbursements Page 4 FEC Form 3X (Rev. 05/2016) **COLUMN A** COLUMN B II. Disbursements **Total This Period** Calendar Year-to-Date 21. Operating Expenditures: Allocated Federal/Non-Federal Activity (from Schedule H4) 0.00 0.00 (i) Federal Share ..... 0.00 (ii) Non-Federal Share..... 0.00 (b) Other Federal Operating 12140.19 18486.07 Expenditures ..... (c) Total Operating Expenditures 18486.07 12140.19 22. Transfers to Affiliated/Other Party 0.00 Committees..... 0.00 23. Contributions to Federal Candidates/Committees 35407.35 31646.75 and Other Political Committees. Independent Expenditures 0.00 0.00 25. Same. ດເດດ 0.00 26. Loan Repayments Made..... 0.00 Loans Made......Refunds of Contributions To:
(a) Individuals/Persons Other
Than Political Committees 0.00 0.00 0.00 0.00 (b) Political Party Committees .. 0.00 0.00 All one Other Political Committees (such as PACs)..... 0.00 0.00 (d) Total Contribution Refunds (add Lines 28(a), (b), and (c))...... 0.00 0.00 29. Other Disbursements (Including 1029.69 Non-Federal Donations)..... 30. Federal Election Activity (52 U.S.C. § 30101(20)) (a) Allocated Federal Election Activity (from Schedule H6) (i) Federal Share ....... 0.00 0.00(ii) "Levin" Share..... 0.00 0.00 (b) Federal Election Activity Paid Entirely With Federal Funds ..... 0.00 0.00 (c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))..... 0.00 0.00 31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)).. 44049,29 54923.11 32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)..... 44049.29

54923,11

# **DETAILED SUMMARY PAGE**

ı	FEC Form 3X (Rev. 05/2016)	of Disbursements	Page 5		
	III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date		
33.	Total Contributions (other than loans) (from Line 11(d), page 3)	32947.39	86887.06		
34.	Total Contribution Refunds (from Line 28(d))	0.00	0.00		
<b>35</b> .	Net Contributions (other than loans) (subtract Line 34 from Line 33)	32947.39	8687.06		
	Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))▶	namengalising menggan ngan naga ang menggan ng panggan ng panggan nagawang 12140.19	18486.07		
37.	Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00		
38.	Net Operating Expenditures (subtract Line 37 from Line 36)	Tenner with the second	18486.07		



June 12, 2019

Rosalie Greene, in official capacity as Treasurer Peace Action PAC / FKA SANE/FREEZE PAC 8630 Fenton Street, Suite 524 Silver Spring, MD 20910

C00157941 AF#: 3644

Dear Ms. Greene:

On March 21, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Peace Action PAC / FKA SANE/FREEZE PAC and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$3,501 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



, eceived Sugarany 8630 Fenton Street, Suite 934 Silver Spring MD 20910 PH 301.565.4050, Fax 301.562.7305

www.peace-action,org

# **Political Action Committee**

2019 JUL 15 MIII: 08

July 12, 2019

Commission Secretary
FEC Office of Administrative Review
1050 First Street, NE
Washington, DC 20463

AF#: 3644
Identification Number: C00157941

Dear Commission Secretary,

I am in receipt of letter dated June 12, 2019 that I received today by UPS.

Thank you for your consideration of my request. While I understand and acknowledge your response, I wish to appeal for a reduction in the fine levied. Given my circumstances at the time the filing was due, i simply failed to take proper note of the notices sent by the Commission. I hope that while this argument does not meet the criteria set by the Commission, you may have the authority and find it appropriate to reduce the fine on the basis of our record to date. The fact that our receipts for the period in question were far greater than Peace Action PAC has received in the past and my circumstance put me in an extremely untenable position at the time the filing was due.

I was not prepared for the severity of the fine and request a reduction.

Your kind consideration to the request is appreciated.

Sincerely,

Rosalie Greene

**Director of Finance** 



2019 JUIL 16 PM 12: 50 SENSITIVE

July 16, 2019

#### **MEMORANDUM**

To:

The Commission

Through:

Alec Palmer

Staff Director

From:

Patricia C. Orrock *PCO*Chief Compliance Officer

Rhiannon Magruder *Pm*Reviewing Officer

Office of Administrative Review

Subject:

Final Determination Recommendation in AF# 3644 - Peace Action PAC / FKA

SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer

(C00157941)

On March 21, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report and made a preliminary determination that the civil money penalty was \$3,501 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 30, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated June 12, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that Peace Action PAC / FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,501 civil money penalty.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On July 15, 2019, the Commission received the Treasurer's response to the ROR. The Treasurer requests that the penalty be reduced and states, in part:

Given my circumstances at the time the filing was due, [I] simply failed to take proper note of the notices sent by the Commission. I hope that while this argument does not meet the criteria set by the Commission, you may have the authority and find it appropriate to reduce the fine on the basis of our record to date. The fact that our receipts for the period in question were far greater than Peace Action PAC has received in the past and my circumstance put me in an extremely untenable position at the time the filing was due.

As stated in the ROR, the Reviewing Officer is sympathetic to the Treasurer's personal and professional circumstances that may have impacted her ability to timely file the report. However, their challenge fails to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 104.14(d). Unavailability of the Treasurer is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. A committee's compliance with other filing deadlines is also not considered. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,501 civil money penalty.

## **OAR Recommendations**

- 1. Adopt the Reviewing Officer recommendation for AF# 3644 involving Peace Action PAC / FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer, in making the final determination;
- 2. Make a final determination in AF# 3644 that Peace Action PAC / FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,501 civil money penalty; and
- 3. Send the appropriate letter.

# 19092724188

# BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	AF 3644
Final Determination Recommendation:	)	
Peace Action PAC/FKA SANE/FREEZE	)	
PAC and Rosalie Greene, in her official	)	
capacity as Treasurer (C00157941)	)	

# **CERTIFICATION**

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 08, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3644:

- 1. Adopt the Reviewing Officer recommendation for AF# 3644 involving Peace Action PAC/FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer, in making the final determination.
- Make a final determination in AF# 3644 that Peace Action PAC/FKA SANE/FREEZE PAC and Rosalie Greene, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,501 civil money penalty.
- 3. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Date

Laura E. Sinram

Acting Secretary and Clerk of the

Commission

August 14, 2019

Rosalie Greene, in official capacity as Treasurer Peace Action PAC / FKA SANE/FREEZE PAC 8630 Fenton Street, Suite 934 Silver Spring, MD 20910

C00157941 AF#: 3645

Dear Ms. Greene:

On March 21, 2019, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Peace Action PAC / FKA SANE/FREEZE PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 Post-General Report. By letter dated March 21, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,501 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 30, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Peace Action PAC / FKA SANE/FREEZE PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$3,501 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on June 12, 2019.

On August 8, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Peace Action PAC / FKA SANE/FREEZE PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$3,501. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

# 1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside.

See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

# 2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

# 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

# NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

# 4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

# 5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Ellen L. Weintrand

Ellen L. Weintraub

Chair

#### ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$3,501 for the 2018 Post-General Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit <a href="https://www.fec.gov/af/pay.shtml">www.fec.gov/af/pay.shtml</a> to be directed to Pay.gov's Administrative Fine Program Payment form. This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission PO Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

# **PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

# PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Peace Action PAC / FKA SANE/FREEZE PAC

FEC ID#: C00157941

AF#: 3644

PAYMENT AMOUNT DUE: \$3,501

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3444